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QUESTION OF THE COMORIAN ISLAND OF MAYOTTE

Report of the Secretary-General

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I. INTRODUCTION

1. On 27 October 1992, the General Assembly adopted resolution 47/9 on the question of the Comorian island of Mayotte. In paragraphs 5 and 6 of the resolution, the Assembly requested the Secretary-General to maintain continuous contact with the Secretary-General of the Organization of African Unity (OAU) with regard to the problem and to make available his good offices in the search for a peaceful negotiated solution, and to report on the matter to the Assembly at its forty-eighth session.

2. On 27 April 1993, the Secretary-General addressed a note verbale to the Permanent Representatives of the Comoros and of France to the United Nations, drawing their attention to the contents of General Assembly resolution 47/9 and inviting them to provide him with any pertinent information for inclusion in his report to the Assembly.

3. Also on 27 April 1993, the Secretary-General addressed a letter to the Secretary-General of OAU, drawing his attention to paragraph 5 of General Assembly resolution 47/9, and requesting information on any action undertaken by OAU in the search for a peaceful negotiated solution to the problem.

4. In accordance with paragraph 6 of General Assembly resolution 47/9, the present report, based on the replies received from the Permanent Mission of France to the United Nations, the Permanent Mission of the Comoros to the United Nations and OAU, is submitted to the General Assembly.

II. INFORMATION RECEIVED FROM THE PERMANENT MISSION OF FRANCE TO THE UNITED NATIONS

5. On 27 July 1993, the Permanent Mission of France to the United Nations addressed a note verbale to the Secretary-General, the text of which reads as follows:

> "Since the promulgation of Act No. 76-12 of 24 December 1976, Mayotte's status has been that of a territorial collectivity of the Republic. This special status, which the island acquired pursuant to an Act of the French Parliament, does not bar any further evolution.
>
> "The climate of trust which has been established between the Comoros and France allows a dialogue to continue between the two Governments. In this spirit, France, through the President of the Republic, has declared its willingness to seek the conditions for a solution to the problem of Mayotte on the basis of respect for its domestic laws and international law.
>
> "France remains willing to promote a just and lasting solution in conformity with its Constitution and on the basis of respect for the wishes of the peoples concerned. Accordingly, a constructive dialogue is continually taking place at the highest level with the Islamic Federal

Republic of the Comoros, as shown by President Djohar's regular visits to France."

III. INFORMATION RECEIVED FROM THE PERMANENT MISSION OF THE COMOROS TO THE UNITED NATIONS

6. In a letter dated 3 August 1993 addressed to the Secretary-General, the Permanent Mission of the Comoros to the United Nations submitted the following information on the question:

"The Islamic Federal Republic of the Comoros, a former French colony, acceded to independence on 6 July 1975. It became a Member of the United Nations on 12 November 1975, by means of resolution 3385 (XXX), which was unanimously adopted by the General Assembly.

"The United Nations recognized the independence of the new Comorian State, composed of four islands - Grande Comore, Anjouan, Mohéli and Mayotte - thus honouring the principle of inviolability of the borders inherited from colonialism. It is therefore on the basis of the customs and laws by which all States, including France, are bound, that the United Nations considers the Comoros to be a single entity.

"Despite the adoption of this United Nations resolution and the resolutions of other organizations, such as the Organization of African Unity (OAU), the Organization of the Islamic Conference (OIC) and the Movement of Non-Aligned Countries, all of which recognized the independence of the Islamic Federal Republic of the Comoros on the basis of respect for its genuine borders, France, the former colonial Power, continued to maintain a military and administrative presence on the Comorian island of Mayotte. The explanation given by France for this attitude is that a two-thirds majority of the Mahoran population voted against independence.

"We should recall, however, that in accordance with the agreements between the two parties, signed in 1973, France undertook to respect the unity and territorial integrity of the Comoros.

"Article 1 of the Act of 23 November 1974 provides that 'the peoples of the Comoros shall be consulted as to whether they wish to choose independence or to remain within the French Republic'. Article 5 stipulates that while the results of the referendum are to be considered island by island, the announcement of the results is to be made on a global basis, and that Parliament, furthermore, is to decide within six months on what action to take as a follow-up to this referendum.

"In its efforts to find a solution to this problem, the Comorian Government has constantly stressed dialogue and negotiation, in conformity with the principles of the Charter of the United Nations and the recommendations of international organizations.

"Following the tragic events in the Comoros in November 1989, which led to the holding of a round table involving all the country's political organizations, these groups unanimously reaffirmed that Mayotte belonged to

the Islamic Federal Republic of the Comoros and called for its reincorporation into that nation.

"Following his election to the highest office and his meetings in Paris and at Moroni with the President of the French Republic, President Said Mohamed Djohar reaffirmed his wish to resolve this painful issue. To that end, he announced his new approach, consisting of a tripartite meeting involving the Comorian, French and Mahoran authorities. This confirms, once again, the total willingness of the Comorian head of State and his Government to endorse any proposal which can facilitate the return of Mayotte to the nation of which it forms a natural part.

"In reply, President Mitterrand, on the occasion of his official visit to Moroni in 1990, acknowledged that 'a specific and practical approach must be adopted in order to resolve this unpleasant dispute'.

"The question of the Comorian island of Mayotte remains on the agenda of the ordinary sessions of organizations other than the United Nations, namely, OAU, OIC, the Movement of Non-Aligned Countries, and so on.

"The various resolutions adopted on this subject all reaffirm the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte, and urge the French Government to accelerate the process of negotiations with the Government of the Comoros, with a view to speedily finding a just and lasting solution, in conformity with the wishes of the international community and on the basis of respect for international law.

"Despite the solidarity and support shown by the international community in this matter, the situation on the ground has hardly evolved. The wish frequently expressed by the French authorities has not, so far, been translated into practice in any way. For this reason, the Comorian Government would like, once again, to call upon the Secretary-General to make his good offices available and to continue his role as mediator, by bringing the two parties together in the search for a just and fair settlement which respects the territorial integrity and sovereignty of the Islamic Federal Republic of the Comoros."

IV. INFORMATION PROVIDED BY THE ORGANIZATION OF AFRICAN UNITY

7. In a letter dated 22 September 1993 addressed to the Secretary-General of the United Nations, the Secretary-General of OAU informed him that the Assembly of Heads of State and Government of OAU at its twenty-ninth ordinary session, held at Cairo from 28 to 30 June 1993, had adopted resolution AHG/Res.226 (XXIX) on the Comorian island of Mayotte. The Secretary-General of OAU forwarded the text of that resolution, the operative paragraphs of which read in part as follows:

"...

"2. Reaffirms the sovereignty of the Federal Islamic Republic of the Comoros over the Comorian Island of Mayotte;

"3. Reaffirms its solidarity with the Comorian people in their determination to recover their political integrity and to defend their sovereignty and territorial integrity;

"4. Appeals to the French Government to accede to the legitimate claims of the Comorian Government in accordance with the relevant decisions of the OAU, the UN, the Non-Aligned Movement, the Islamic Conference and the League of Arab States;

"5. Invites OAU Member States to take every step, individually and collectively, to inform and sensitize the French and international public opinion on the Question of the Comorian Island of Mayotte in order to bring the French Government to end its occupation of Mayotte;

"6. Appeals to all OAU Member States and the international community to categorically condemn and reject all forms of consultations to be organized by France on the Comorian territory of Mayotte regarding the international legal status of the Island specially as the referendum of self-determination conducted on 22 December 1974 remains the only valid consultation applicable to the entire Archipelago;

"7. Appeals to all OAU Member States and the international community to condemn any initiative taken by France to make the Comorian Island of Mayotte participate the activities that might differentiate it from the Federal Islamic Republic of the Comoros;

"8. Charges the OAU Ad-Hoc Committee of Seven on the question of the Comorian Island of Mayotte and the OAU Secretary-General to resume dialogue with the French authorities bearing in mind the recent declaration made in Rome in June 1990 for a rapid settlement of the Comorian issue;

"9. Urges the OAU Ad-Hoc Committee on the Question of the Comorian Island of Mayotte and the OAU General Secretariat to meet in Moroni before the 30th Ordinary Session of the Assembly of Heads of State and Government of the OAU to consider possible ways and means of facilitating the convening of the Tripartite Conference;

"10. Requests that the question of the Comorian Island of Mayotte remains on the Agenda of all the sessions of the OAU, the UN, the Non-Aligned Movement, the Islamic Conference and the League of Arab States until the Island is restored to the Federal Islamic Republic of the Comoros;

"11. Also requests the OAU Secretary-General to monitor developments in the situation and report to the next session of the Council of Ministers."

V. CONCLUDING REMARKS

8. The Secretary-General has maintained close contact with all parties and has informed them of his readiness to make available his good offices in the search for a peaceful solution to the problem.